

**METROPOLITAN AREA PLANNING COMMISSION**

**MINUTES**

**September 4, 2003**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, September 4, 2003, at 1:30 P.M., in the Planning Department Conference Room, 10<sup>th</sup> floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Bud Hentzen, Chair; Kerry Coulter, Vice-Chair; Ray Warren {In @ 1:40, Out @ 3:30}; John W. McKay Jr.; Bill Johnson; Morris K. Dunlap; Ronald Marnell; Elizabeth Bishop and Frank Garofalo. Ed Sunquist; M.S. Mitchell; Bob Hernandez; James Barfield and David Wells were not present. Staff members present were: Dale Miller, Current Plans Supervisor; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Jamsheed Mehta, Transportation Supervisor; and Rose Simmering, Recording Secretary.

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**1. Election of Metropolitan Area Planning Commission Chair and Vice-Chair.**

**MOTION:** Nominate Commissioner Ronald Marnell as MAPC Chair, and Dr. Coulter as MAPC Vice-Chair.

**HENTZEN** moved, **DUNLAP** seconded the motion, and it carried (8-0).

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**2. Sedgwick County Capital Improvement Program (C.I.P.) presentation by David Spears, Sedgwick County Director of Public Works and Kathy Sexton, Assistant County Manager and CIO.**

JIM WEBER, Deputy Director Public Works presented an overview of the County's proposed CIP.

DUNLAP The small cities you mentioned, when they develop a plan we expect them to do a Comprehensive Plan. How do you get that input? How do you know they are planning to widen their main streets from 2 lanes to 4 lanes so you can tie into it?

WEBER Those cities, and adjacent counties, have ongoing conversations with us. It is casual, not a formal meeting, but if somebody wants something they come and talk to you.

DUNLAP The bridges you will be replacing, how long will they last?

WEBER About 40 years.

DUNLAP The Wichita Valley Center Floodway project, is that an ongoing item or is there something we are deferring there?

WEBER That is ongoing maintenance work. It is 50/50 funding between the City and the County. Flood Control falls under Public Works and it makes sense to show their funding there.

DUNLAP The Coliseum parking lot overlay, we couldn't put that in the projects \$56 million dollars? It had to be a separate item?

WEBER We have had parking lot maintenance in there for years, but because the project is not well defined yet, the folks at the Coliseum said to us maybe it makes sense to lay off the parking lots for awhile until they know what they are doing with that facility, and we will either pick it up as maintenance again or it will be incorporated in the project or whatever.

GAROFALO These documents are from the budget? I know how you can tell the year, but how do you know when the construction will be started; the year the funding will be?

WEBER That spreadsheet includes that if you are in a project that has multiple years, but what it doesn't tell you is what the activity is. It is hard to read because it is so wide and you have to follow all the way over the page.

GAROFALO For example, the widening of Hydraulic has some funding here in 2005, 2006, and if you follow it, it goes on to some other years, but the construction is scheduled now for 2007?

WEBER The way public works projects are generally scheduled we have one year for right-of-way acquisition, then the second year you will see utility relocation, and the third year construction.

MCKAY I would like to make a suggestion that on these small spreadsheets if we are getting funding from the federal or state there should be a footnote or a star or something so we know that the cost is being shared by someone else than the county.

DUNLAP Project 609 says Intelligent Transportation System, what is that?

WEBER The ITS project is a catchall category for projects that involve traffic control centers, remote traffic control centers, hi-tech signalization systems where you use technology to improve traffic flow rather than adding another lane.

DUNLAP There are a lot of dollars there. Is that for all the cameras around the signals around town?

WEBER Those are not cameras but lasers that regulate signal timing.

KATHY SEXTON, Assistant County Manager and CIO – presented an overview of non Public Works CIP items.

BISHOP The ones highlighted yellow, does that mean that this was changed since the last CIP?

SEXTON Yes.

GAROFALO What about this “install landscaping at the main courthouse” item? The county is going to eliminate the custodial jobs. Do they have a landscaper to take care of the grounds? Are they going to be eliminated also?

SEXTON No, the maintenance staff are not affected by the current effort on the second shift custodial. These are listed by priority. We have old trees and landscaping. We added tables and chairs to the front entrance to be more friendly and welcoming and we want to update that.

GAROFALO No sense in spending the money on the stuff if nobody is going to take care of it.

HENTZEN Item 580, Kansas African American Museum, is that the one the jail is built around? If they do move the Museum and that building is not used by them, do you think the County will leave that building there in the road of the jail? Or will they move it?

SEXTON The County owns the building, and if the Museum doesn't lease the building, the County would still need the building. We should maintain that building and put a roof on top of it. There is no plan to tear it down.

SCHLEGEL Staff recommends that you make the finding that the County CIP is consistent with the Wichita-Sedgwick County Comprehensive Plan.

**MOTION:** That the County CIP is consistent with the Wichita-Sedgwick County Comprehensive Plan.

**JOHNSON** moved, **HENTZEN** seconded the motion, and it carried (9-0).

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**3. Approval of MAPC meeting minutes August 21, 2003.**

**MOTION:** That the minutes for August 21, 2003 be approved.

**GAROFALO** moved, **COULTER** seconded the motion, and it carried (9-0).

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**4-1. SUB2003-84 – One-Step Final Plat – TWIN LAKES ADDITION, located on the south side of 21<sup>st</sup> Street North, on the east side of Amidon.**

- A. This plat will be subject to approval of the associated zone change and CUP and any related conditions.
- B. City water services are available to serve the site. **A guarantee is needed for the extension of sanitary sewer for Lot 5. Private easements are needed along with public utility easements in the event City services are extended. A copy of the maintenance agreement for the private sewer lines shall be submitted.**
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City Engineering** needs to comment on the status of the applicant's drainage plan. **A cross-lot drainage agreement is needed.**
- E. **City Engineering** has requested a maintenance agreement for the lake with abutting property owners. **A copy of the existing maintenance agreement has been submitted.**
- F. The plat proposes two access openings along Amidon, and four openings along 21<sup>st</sup> St. North. **The access controls along 21<sup>st</sup> St should be extended to Lot 1 and reference five openings. The access controls along Amidon should not extend beyond the plat's south line. The opening proposed in Lot 5 will be restricted to rights-in/out (and denoted on the plat) and shall be located along the west property line to provide shared access with Lot 6. One opening is permitted along the north 90 feet of Lot 7, and complete access control along the south 100 feet. Two adjoining segments of "complete access control" denoted along Amidon may be combined.**
- G. The south lot line of Lot 4 needs to be denoted with a bold line.
- H. The lot numbers should be revised in order to be numbered consecutively.
- I. A cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.

- J. In accordance with the Access Management Regulations, a 60-ft half -street right-of-way along Amidon and 21<sup>st</sup> St. is needed in addition to a major intersection right-of-way. **A 10-ft sidewalk and utility easement has been approved in lieu of a right-of-way dedication along Amidon and 21st Street.**
- K. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- L. A note shall be placed on the final plat, indicating that this Addition is subject to the conditions of Twin Lakes Shopping Center Community Unit Plan (CUP 2003-25, DP-3).
- M. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- N. The signature line for the City Clerk needs to be revised to reference "Pat Graves".
- O. The MAPC signature block needs to reference "John L. Schlegel, Secretary".
- P. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- Q. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- R. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- S. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- T. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- U. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- V. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Y. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Z. The applicant is reminded that a compact disk (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD ([cholloway@wichita.gov](mailto:cholloway@wichita.gov)) . This will be used by the City and County GIS Department.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**MCKAY** moved, **BISHOP** seconded the motion, and it carried (8-0).

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**4-2. SUB2003-90 – One-Step Final Plat – SOUTH HIGH SCHOOL SECOND ADDITION, located south of 31<sup>st</sup> Street South and east of Seneca.**

- A. Municipal services are available to serve the site. **City Engineering** needs to comment on the need for guarantees or easements. **City Water and Sewer Department has requested a 20-ft easement along the east line of the plat for future water line improvements.**
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

- C. **City Engineering** needs to comment on the status of the applicant's drainage plan.
- D. **County Surveying** advises that the bench mark needs an elevation.
- E. **County Surveying** requests a dimension of the width of the south end of railroad right-of-way.
- F. The SW, NW and NE corners of the SE 1/4 of the NW 1/4 need labels.
- G. **County Surveying** advises that the KG&E easements must be shown with sufficient ties to locate them definitely with respect to the subdivision.
- H. The centerline of 33rd St. South should be denoted.
- I. The dimension denoted for the west property line needs to be corrected.
- J. The 40-ft utility easement along the south line of the plat is located in the adjoining plat and may be deleted from the final plat tracing.
- K. A cross-lot circulation agreement is requested to assure internal vehicular movement between this property and the adjoining plat to the south.
- L. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- M. The MAPC signature block needs to be revised to reference "John L. Schlegel, Secretary".
- N. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- O. The plat title should reference "Wichita, Sedgwick County, Kansas".
- P. **The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.**
- Q. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- R. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- S. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- T. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- U. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- V. Perimeter closure computations shall be submitted with the final plat tracing.
- W. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- X. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Y. The applicant is reminded that a compact disk (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD ([cholloway@wichita.gov](mailto:cholloway@wichita.gov)) . This will be used by the City and County GIS Department.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**MCKAY** moved, **BISHOP** seconded the motion, and it carried (8-0).

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4-3. **SUB2003-91 – One-Step Final Plat – 31<sup>st</sup> and GREENWICH ADDITION, located on the southwest corner of 31<sup>st</sup> Street South and Greenwich Road.**

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval. **A restrictive covenant is required that prohibits non-domestic wastes on the site until public sewer is available.**
- B. **City Water and Sewer Department** requests a petition for future extension of sanitary sewer and City water services. In the event the applicant proposes to extend City sewer at this time to serve the property, a petition shall be provided.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **County Engineering** needs to comment on the status of the applicant's drainage plan. **Sedgwick County Engineering requests a revised topographic survey. The contours are incorrectly platted. The drainage easements should be based on the drainage plan. A flood study is required. The entrance to Lot 2 on 31st Street is in conflict with the drainage on 31<sup>st</sup> Street. A drainage guarantee may be required. A DWR permit will be required for channel work.**
- E. The owner's name needs to be included on the owner's certificate.
- F. **County Engineering** requests right and left turn lanes, contingent on proposed usage. **The Subdivision Committee required these improvements based upon a traffic study.**
- G. **Traffic Engineering** requests a petition for a future traffic signal. **The Subdivision Committee required this improvement based upon a traffic study. The applicant shall pay the proportionate cost that contributes to the need for the signal.**
- H. The signature line for "James Alford" should be deleted.
- I. **County Engineering** needs to comment on the access controls. The plat denotes two openings along both 31st St. and Greenwich. **County Engineering has approved the two openings along Greenwich based upon urban standards. The opening within Lot 2 shall be limited to rights-in/out only. The location of the two openings along 31<sup>st</sup> St may need to be adjusted due to drainage concerns.**
- J. A cross-lot access agreement is needed for the benefit of Lot 2.
- K. The Access Management Regulations require an additional 25-ft x 25-ft corner clip at the intersection corner.
- L. A 60-ft half-street right-of-way is needed along 31st St. South.
- M. Per Sedgwick County Fire Department, access drives to any structure in excess of 150 feet from the edge of the roadway will need to be installed prior to final framing inspection, preferably before the start of any above grade construction work. Such drive to be installed according to fire department specifications: (1) Twenty feet of drivable surface is provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather with provisions for turning fire apparatus around. (2) The surface will need to be an all-weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed)
- N. In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA-NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed.
- O. The MAPC signature block needs to reference "John L. Schlegel, Secretary".
- P. The platting binder indicates a party holding a mortgage on the site. This party's name must be included as a signatory on the plat, or else documentation provided indicating that such mortgage has been released.
- Q. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- R. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- S. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.

- T. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- U. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- V. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Y. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Z. The applicant is reminded that a compact disk (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD ([cholloway@wichita.gov](mailto:cholloway@wichita.gov)). This will be used by the City and County GIS Department.

NEIL STRAHL Planning staff, Item 4-3 is the 31<sup>st</sup> and Greenwich Addition. MAPD was informed by Traffic Engineering that they wanted to appeal the Subdivision Committee's decision in this case. I will give a brief background of the issue and let Traffic Engineering present their position. This is a county plat, that is located within 3 miles of the City of Wichita and it is located on the southwest corner of 31<sup>st</sup> South and Greenwich.

The plat consists of two lots - a smaller 1.2 acre lot on the corner surrounded by a larger 8 acre site around it, and both lots are zoned "LC" Limited Commercial. Last week City Traffic Engineering recommended that a petition be provided for a future traffic signal at the intersection, and the Subdivision Committee required this improvement based upon a traffic study. It was also specified that the applicant pay the proportionate cost that contributes for the need for the signal so that this property owner would pay for the portion of the traffic signal based on the amount of the traffic generated by the site. That was the Subdivision Committee's decision.

Traditionally, the City pays 50% of the cost, and the property owners on the four corners split the remaining 50%, which results in a 12 1/2% contribution each. So Traffic Engineering is appealing this condition as they feel that the owner of this property should be responsible for 12 1/2 % of the signalization cost as had been allocated in the past, as opposed to a percentage based upon a traffic study, which the Subdivision Committee required. I was informed today that the applicant objects to any cost over the standard 12 1/2% contribution. We have Scott Logan from Traffic Engineering here today to present his department's position.

SCOTT LOGAN Traffic Engineer City of Wichita, This is an issue of how we proportion payment of a traffic signal which costs \$150,000 to development at an intersection, and this is a tough question on how do we do this fairly. We welcome a chance to review our practice and policy, and we did address this and reviewed with staff. In fact, we met this morning with departmental staff to discuss what is the most fair way to proportion a traffic signal at these undeveloped areas.

We feel that the current practice where the City pays 50%, and the other 50% is apportioned to the four other quadrants is probably as fair as we can get. We did discuss the Subdivision Committees approved measure to look at traffic generation, but the falsity with that is that is if we need a traffic signal down the line five years from now at this intersection, and two of the four or one of the quadrants is not developed, then it provides a hardship for us and a hardship for the developed quadrants to come up with the payment because they are paying for an unequal share for that traffic signal. We have looked at this, and evaluated this, and would like to come up with a fair way to do this, and at this time I think this is probably the most fair way to assess cost for a signal. With that if there are any questions, I will try and answer them.

WARREN I have comments, I don't know that I have questions. I was the one that opposed this at the Subdivision Committee, and, of course, I have opposed this in the very beginning as a policy because it does not follow the general law of the land of rough proportionality. It is very ambiguous, very subjective, ill-defined policy as far as I am concerned because, for instance, how big an area do you come off the intersection? We don't define that is it 200 by 200 feet, or is it 1,000 by 1,000 feet? We don't define that at all.

Many intersections across the county don't have any development on them, and yet we still require traffic signalization. Why is it then that we decide that traffic signalization is the responsibility of where those corners are? What if that corner is residential? Are you going to put it on them, or is this just something that we are going to hang on commercial development?

I believe that rough proportionality as the Supreme Court has described it should fit in here, and if you contribute so much traffic, and the condition of your permit is to look at traffic and we determine that you contribute 2%, 3%, 12%, or 50% of that signalization, then you shall pay that. But just to arbitrarily to come up with a fee or a figure of 12 1/2% does not make any sense at all, and it certainly doesn't follow in line with being able to assess cost based on rough proportionality.

The other thing is that you have the right through the special assessment law to assess a piece of property later on. You don't have to have a petition if you can prove that signalization is a benefit to that property then I think you can assess it. The City Attorney

might have something to say about that. This is why I oppose this, and say that we can demand certain things as a condition of approval of a permit be that a plat, rezoning; be that whatever that may be a special use, whatever it is, but that must be on the basis of what this guy is contributing to the problem not some kind of standard policy.

BISHOP Since we have jumped into the discussion of the issue rather than just asking questions because I can't think of a question right at hand, I was the one that voted against the Subdivision decision on this. My problem on this is that I think there needs to be both fairness and consistency, and my problem with the decision the Subdivision Committee made was that it seemed to be that it was at least somewhat arbitrary in that it was not treating that particular intersection the way that we have treated others.

I am not an expert in exactly what would be fair, I understand what Scott Logan is saying about the timing of the development if the assessment for the petition for the traffic light is tied to an existing development then if you do the rough proportionality and there is one undeveloped corner and then the next day the developer comes in to develop that and doesn't have any of the assessment then that doesn't seem fair to me. Perhaps if I understand what the problem is with that, it seems to me like the 12 1/2% is equitable and fair and consistent so that folks know what to expect.

WARREN Commissioner Bishop, if you think that is fair and equitable then what if two of these corners developed commercially, and two of them develop single-family residential? Is it fair that we hang 12 1/2% on those single-family residential?

BISHOP I don't know what has been done in the past.

WARREN I am asking you a question, is that fair?

BISHOP A development is a development.

WARREN So if it is single-family they should charge 12 1/2% of \$150,000 to the single-family residential.

BISHOP Is there anything different as far as residential is concerned?

WARREN I don't know why we look at the past as if it is some kind of informed way of marching on the future. We may have been making some mistakes in the past with this.

BISHOP Okay, then we need to march into the future with consistency and fairness.

WARREN Not consistency with the past though necessarily.

BISHOP Consistent from one case to the other.

WARREN Not if it is wrong.

LOGAN In terms of what we have done with the signal cost at 127<sup>th</sup> and 21<sup>st</sup> North, there were residential developments on two of those quadrants plus commercial on north 21<sup>st</sup> Street, and we did assess that cost on the petition at 12 1/2%. Typically, the larger residential plats at a quadrant are much larger, and we deal with a smaller residential if it is a 200 by 200 foot property we reconsider, but if it is a larger plat like this 8.2 acres, I believe we think that it is a big enough parcel where this practice is fair to assign that cost.

MARNELL Did I understand you say that you did assess it to residential?

LOGAN Yes.

MARNELL So if there was a single-family home on one of those corners when the signalization goes in you charge them the 12 1/2%?

LOGAN No, if it is platted residential, in terms if it is platted hundreds of lots. We are not talking about one single lot. If it is platted for 100-200 lots. If it is platted a single, yes we take that into consideration, but for larger tracts we assess the cost of the signalization.

MARNELL What would you do if it was a single lot?

LOGAN We would have to come back to staff and discuss the need and the cost. Typically we may have to pick up that quadrants cost in that case.

MARNELL But if that small lot on that corner happened to be commercial you would nail them with the whole cost?

LOGAN Probably not. Not for a 200 by 200.

MARNELL So I think what we are talking about is how mushy this policy is. If what Commission Warren mentioned earlier, if there is not a determination of how far from the corner the affected lot fits in.

LOGAN Anyway we look at it, if when we go back and fully develop, we have to look at the district that we are assigning cost to, but fortunate for us we have 380 signals in our system, and they are in developed areas. We really almost rarely get into a situation where we are looking at placing a signal at a location to residential development at the intersection. This is primarily an undeveloped area. But in the case if there is a residential property, I don't believe that we would expect that property or two properties to pay that 12 1/2 %.

WARREN This is my whole point. It is ambiguous, it is subjective, it is something that they kind of decide as they go and, the fact is though, that 31<sup>st</sup> Street and Greenwich is going to have signalization whether this guy develops or not. There have been accidents out there, and it is a heavily traveled intersection, and it is going to get more, and more, because it is the only road going north and south after you leave Rock Road to go through. Webb doesn't go through. So there is going to be a signal out there whether this happens or not.

The thing that I see is that we are trying to re-invent the wheel. The Supreme Court has come down loud and clear with this rough proportionality, and we use it all the time. For instance, if a plat comes through, and we see activity within the use of that plat requires a decel lane. We demand that he give that land for a decel lane. He contributed to that. He was responsible, and if we see that an easement was required, we demand a condition of that permit that we give to him. But it is always based on our ability to prove that he contributed to the problem. I submit that is the way that it should be now. If we can determine, and I don't think we can demand him to make a traffic study, but if we can determine that his business, or his series of businesses is going to contribute 12 1/2% to that intersection signalization then I have no problem. But let me tell you, if I had a business out there, and I can contribute three cars to every 100 that goes through that intersection, I am going to be a whaling success. I don't think he is going to do over 3-5%, but if they do 20% then that is what they ought to pay, and I don't know why we try and re-invent that. That is a Supreme Court ruling.

MCKAY We have only be doing this a short period of time, where we have been charging the developer for signals, and lights. I think the first one we did was Ridge Road and 37<sup>th</sup> Street West, two or three years ago. Then they required him to pay 25% of the signalization, then they came back and said the city at large or whoever the governing body is will pay 50% of it. I don't know, 8.5 acres is a standard size commercial corner on a mile section, if you get any smaller than that then you can't develop it. So that is a pretty good size of ground, but it is really not. If it was 40 acres then I could understand, but 8 acres? That is not a very big piece of ground that is less than 400-500 square foot.

Was a traffic study done before this requirement was required? Or where did the requirement come there?

LOGAN What we do in this particular case is do a traffic study to see if it warrants a light, even before we start addressing the cost. It might be 5-10 years down the line, but likely there might be a traffic signal at this location as Commissioner Warren had said because of the traffic. Because it is a minor arterial that intersects with a major arterial, which is Greenwich. The staff does not want to place signals where they are not needed. We don't want to pay the electricity and we don't want motorists to stop where it is not necessary. Right now it is questioned when and where we place a signal.

MCKAY That is my point, you say that we don't need it now, but we are requiring it now. If this is like what Commissioner Warren says it is, this guy who has 8.0 acres of ground is really not contributing any of the traffic because there is already a problem there, and maybe it should have been done a long time ago and we wait for someone to develop the corner so we can charge them and get the expense split. You are going to take a big chunk of ground from this guy to begin with for ingress/egress, right-turn lanes and everything else, so he is going to give you 5% of his ground to start with and then you are going to charge him another 12 1/2% for a stop light that he may or may not have anything to do with. They won't let him go over so many feet of the corner because of the entrance.

GAROFALO What we are saying here, if I understand correctly, we are asking for a guarantee that this person would get a guarantee to participate in the expense of the light. Is it possible to just get a guarantee that they would participate without putting a percentage on it, and wait until the time the light is required and then do a traffic study as to who is producing all of this traffic?

LOGAN Whatever is the fairest way staff supports that, but in this case again yes, that is a good way to do it. However there are some undeveloped areas there, and it is hard for us to determine what is going to be developed and what is going to be generated, and we are looking at the major generators. There are going to be the developed portions, and they are going to pay probably an unequal share for that cost. We would support something that if all four quadrants get developed at the same time and we could look and determine what the generation is; then yes I would think that would be the fairest way to do it.

GAROFALO But that may not be likely to happen that they are all going to develop at the same time.

JOHNSON Is there a petition signed on any of the other corners for a signal?

LOGAN No, not on this particular corner.

JOHNSON Say the developer or we did agree that yes, they say a petition for 12 1/2%. How does that petition work since the city has 50% of it. Can they trigger it at any time? Who picks up that other 37 1/2%?

LOGAN We would pick up that other 37 1/2% until somebody decides to develop, and we would assign it probably 12 1/2%.

JOHNSON I know that it is kind of an awkward situation, and I think the other day in Subdivision when we discussed it, looking at the situation, it appeared to me that there were going to be two corners that basically may become commercial. In this situation, we may have done some injustice in the motion that we made because we may have made this guy pay 25% for the stop light versus 12 1/2%, but I don't know what is fair. It is so new a policy.

WARREN As Commissioner McKay said, this is relatively new, and we have only been dealing with this for a couple of years. When Marvin Krout was here he decided that we ought to make that a condition of permitting, and I opposed it at the time because I don't think it is legal. I don't think that it is a condition on a permit that is so arbitrary, so ill-defined, so subjective, because again are we talking about 40 acres, are we talking about 2 acres? We have asked for 25%, and I can tell you one of our first 25% requirements was only on about 3 acres so we kind of placed it where we thought we could get by with it, and where somebody would yield because they really wanted that permit to do something and that is the reason we got by with it.

JOHNSON Are we going to hear from the applicant?



TRICIA WAGGONER, 1534 E. Belmont, Park City, KS, My mother is putting a feed store on this corner or is wanting to put a feed store on this corner, and it is mainly delivery. So she would not be contributing an awful lot of traffic going into this store. I think it wouldn't be fair to charge this area more on this individual simply because they are not going to be contributing that much. This is a small business, and they are struggling to start, go into a new location, and make something of this business, and you are going to be putting an unfair amount of money to the development of this area if you have only got one person putting in more. I just thought you should know that it is only a small business going in here right now, and they wouldn't be contributing more or that much more to the traffic in this area and it would be unfair to charge them for 12 1/2%. Like you said, when they are only going to contributing maybe 3% of the traffic.

BISHOP Where is the development that you are talking about?

WAGGONER The feed store is going to be in the corner here. He is trying to get two lots, the larger lot and then a smaller lot here, and the feed store going in the smaller lot here.

BISHOP Is the plat being done by one individual or is your mother a part of that?

WAGGONER My mother is a person who is going to rent the property from the person who is platting and developing the area.

BISHOP You do understand that the petition that is being requested would not go into effect probably for several years.

WAGGONER No, I did not know that.

MCKAY I don't think you can say that.

WARREN I don't either.

MCKAY You can't say that because the city might tomorrow say we want to put the signal in, and you have to do it immediately.

BISHOP So you think that a traffic study would be in effect almost right away?

MCKAY No, I am saying the statement that you made that it might be years and years before it is done is not accurate.

BISHOP I didn't say years and years. It could be several years; if that is the only development on that one corner.

WARREN That is not what is going to trigger a light. A light is going to be triggered other than from the development. Because there will be traffic coming from the north, south, east and west.

BISHOP Okay, there could be a delay for the need for a traffic signal at that point.

WAGGONER There could be a delay in the need for a traffic signal, but anything, but charging, from what I understood was the person that was doing this development was against paying more than 12 1/2% being assessed for a need for a light.

BISHOP With potentiality based on the actions of the Subdivision Committee.

WAGGONER So is the argument for whether or not he needs to pay for more than the assigned 12 1/2% or not?

BISHOP Based on the action that has been taken so far that would be based on the results of a traffic study.

WAGGONER I am trying to get a better understanding of what is being discussed.

MCKAY Let me see, you are saying Commissioner Bishop that because of the action of the Subdivision Committee saying that we want a traffic study to see if the guy is either 5, 10, or 15%, the city is going to contribute 30 so that he is going to be paying 30% rather than 12 1/2%?

BISHOP That is what I understand. It is a possibility depending on the results of the traffic study. If I am inaccurate perhaps Scott Logan can let me know.

GAROFALO Whatever the cost would be 12%, 30%, or 50% it would be on the applicant of the whole acreage there rather than just on your mother.

WAGGONER I understand that, but it would drive up the cost for her.

GAROFALO I assume it would.

WAGGONER But, my point is, that as far as I could tell he was not disagreeing to the 12 1/2%. He was disagreeing to more than the 12 1/2%; so you are looking at somebody who might only be contributing only 3% of the traffic is paying for 30% of the cost of the traffic light.

BISHOP No matter what happens that plot of land is not going to pay for anymore than what percentage, Scott, 12 1/2% total?

LOGAN The way that the practice is now, 12 1/2% and I haven't really added onto that figure to see what it would generate to trigger a traffic signal.

BISHOP One thing that is important to note is that 50% of the cost of that traffic signal is going to be picked up by all taxpayers.

WAGGONER I guess I am misunderstanding, I was under the impression that the problem was that he didn't want to pay more than the 12 1/2% that is typically assigned to an individual wanting to develop one of four areas on an intersection, and that he was against paying more than 12 1/2% and what was being discussed was whether or not he should have to pay more than 12 1/2% for the cost of perhaps a light on this intersection. I might not be following discussion fully, but that is what I was hearing when I heard the discussion going on here at this meeting.

JOHNSON If I understood staff right when they were presenting this to us, is the applicant in agreement that they would prefer the 12 1/2% over the motion that was made? If not, was that the comment that was made?

WARREN We are getting into a specifics here, and we are getting into this case, and my position is that I am opposed to this policy and will vote against it on every case that comes here.

JOHNSON I know what your opinion is and I would like to hear from the applicant.

WARREN What we are saying is if this guy is willing to pay 12 1/2% let's go ahead and take it. I don't like that.

TIM AUSTIN, AM Consulting, agent for the applicant, Neil was correct. Right before the meeting I told Neil in a discussion with my client this morning that because of several factors as it relates to development he would not be opposed to setting the 12 1/2% from the standpoint that at least defines the cost today, and when he has active contracts under negotiation he can take a look and hopefully try to recapture those costs in those lease negotiations. So from the standpoint, if it is a crapshoot whether it is 12 1/2%, 10%, or 30% on down the road, if the decision of the Planning Commission is 12 1/2% he can live with the 12 1/2%.

The discussion did raise some valid points, and it concerns me a little bit that we did have the one business that is looking at locating at that intersection so part of it would be the timing of the petition. If the petition is activated, as some of you know, he would be paying specials on undeveloped property with no way of recapturing or passing that cost back to potential users, and that is always a problem as most of you know.

The other thing would be and we are running into this on other properties, it just seems like it is on everything that I am working on, but if you were to have a traffic study today and say his percentage because everything is low would be 30% today, in the future if the other quadrants were developed, his contribution as a percentage was less, he doesn't get reimbursed for that cost. That is not a city policy. The city would charge them and pocket it, and in fact, be double and triple dipping, and I am not sure that is really fair either. Not to belabor a point, there are a number of factors that do consider traffic signal installation that warrants that and trip generation is just a part of it. As I was listening to it, I would say that we are opposed to any petition or anything up to 12 1/2%.

I think Commissioner McKay brought out the policy as it was first discussed, and I had the displeasure of being on that first plat too. You know that 12 1/2% on that one on 37<sup>th</sup> and Ridge Road, when that first came up that was 30 acres of commercial and we were looking at 12 1/2% over 30 acres. Because we had this same discussion 4-5 years ago they dropped it at 12 1/2% at that time. You know 12 1/2% over 30 acres is a lot less than 12 1/2% over 8 acres so I appreciate the difficulty in the decision process, but just from the standpoint of my client where he would like to fix his cost, some type of percentage would be more desirable.

MCKAY Tim, you are saying that your applicant has agreed to 12 1/2% of a set dollar figure at this point and time?

AUSTIN I think he would be. The concern I would have would be the timing issue, because if they came in next year and there is no sewer on this site so we will probably be looking at one of the alternative sewer systems on an interim basis. If they came in next year and activated the petition, my understanding is that her mother is trying to come in and pick up less than an acre - about a 1/2 acre size tract out of 8.5 acres - he would be paying the bulk of it out of his on pocket on this petition and he wouldn't be able to recapture it either through sell or lease.

MCKAY Why not?

AUSTIN I don't think it would be fair for him to roll all that cost into this first lease.

MCKAY I agree with that, but he could spread it over the whole 8 acres and recapture as he leased or sold.

AUSTIN Yes, but ideally he would like to have all that under contract, either through sale or leases and that costs gets passed backed to the user or ultimately to the consumer if it is vacant he is not capturing that.

MCKAY I'm confused, why has he consented to pay 12 1/2%?

AUSTIN What I said that he would not be opposed to the 12 1/2% because he knows that he can define his cost.

MCKAY What I was trying to say to you was that if he has agreed or told you, or instructed you that he will pay 12 1/2% of a set amount of dollars of the cost to put that signal in. If it is \$150,000 or \$300,000 he has agreed. That is all I am asking.

AUSTIN You are right, but we did not discuss about the timing issue, and I think that is importation.

WARREN Let me play the devil's advocate a little bit, maybe he agreed because he thinks it is advantageous to him to take this 12 1/2%, but let me assume that he puts a little mini-Town East on that thing and he contributes 30%. Now are we going to ask these other corners on here for their 12 1/2% where in fact this guy is contributing most of the traffic problem, and that is where I have a problem with the policy. He is saying maybe I am getting by pretty good by with 12 1/2% when, in fact, maybe he should be contributing 30%. I am not saying there shouldn't be a contribution. I am saying that contribution should be predicated upon what they contribute to the problem, and not something arbitrary come up by staff.

GAROFALO On this particular case, and I am not talking about policy but on this particular case, if I read this correctly the Subdivision Committee required this improvement - the traffic signal - based upon a traffic study. The Subdivision Committee did not assess a percentage or did it?

BISHOP No.

GAROFALO Now the Traffic Engineer is requesting what 12 1/2% for everybody?

JOHNSON Well, the traffic before had that 12 1/2%. That was what was on the write-up sheet when we had Subdivision. What Commissioner Warren tried to do was to take a look at it and say what is he contributing to it? If he contributes 3% he should pay 3%. If he contributes 30%, then he pays 30%, and that would be based on a traffic study. Well now it is brought back to us to go back to the 12 1/2%, which was the first proposal that was given to us at Subdivision that we discussed.

HENTZEN Mr. Austin, if you were to make a motion how would you word it?

AUSTIN I would say that we would file a restrictive covenant, that we would agree to participate up to 12 1/2% based on a traffic study that would be performed by Traffic Engineering.

BISHOP Up to?

AUSTIN Yes.

BISHOP Then where would that leave the other corners?

AUSTIN That is not my problem, yet.

**HENTZEN moved to approve the Subdivision vote and establish the contribution of 12 1/2% based on the Traffic Engineering study.**

MCKAY There is not...Subdivision...

HENTZEN Mr. Austin is that what you said? Run by again.

AUSTIN I believe I said that we would file a restrictive covenant agreeing to participate in the cost of the signal up to 12 1/2% of that cost as determined by a traffic study done by Traffic Engineering. One of the things my client does not want to do is pay for a traffic study.

MARNELL Is there anyone else in the audience that wants to speak on this subject for or against?

**MOTION:** That applicant will file a restrictive covenant agreeing to participate in the cost of the signal up to 12 1/2% of that cost as determined by a traffic study done by Traffic Engineering.

**HENTZEN** moved, **MCKAY** seconded the motion.

BISHOP I have a question about the motion. I heard it the first time. Did you say up to 12 1/2% or at 12 1/2%?

HENTZEN I said up to 12 1/2%.

BISHOP I will oppose the motion.

**SUBSTITUTE MOTION:** To approve the plat, and require a petition for a traffic signal with traffic study warranting the need at the time of the traffic signal, and each of the four corners being assessed 12 1/2%.

**BISHOP** moved, **GAROFALO** seconded the motion, and it failed (2-7) **BISHOP** and **GAROFALO** voted in favor of substitute motion.

WARREN I would like to comment on this original motion now. I think what we have done is go overboard now and give the guy the best of both worlds. He is going to go up to 12 1/2% when he fact he may ought to be at 20 %. I never said we should not give the obligation where it lies. I just say we should not be giving that obligation arbitrarily. So this motion I am going to have to oppose on the basis that it limits him to 12 1/2%, but it may only be 1% or 2%, and I don't think that it is right. I think we ought to assess him a cost based on a restrictive covenant or a petition that would be defined later by a traffic study done by the County, and his contribution would be what they determine it to be subject to appeal on his behalf if he wanted to.

MARNELL This seems like a very flawed policy, and my ignorance that goes on day to day in the Subdivision Committee because this is the first time that I have seen this, and I have obviously voted for it before when the package deals come through that the Subdivision Committee has already approved. What this appears to me to be is another case of taking funds that should be in the general tax base, but would possibly raise taxes and is a political dodge so that the politicians don't have to raise taxes or raise the mill levy because that traffic that is generated at that corner has very little to do with a small development on that corner, but with the traffic that is already there, and that is something that goes on with the general public. I think if we want to start assessing who should be paying those costs, we need to look down at the City of Derby, and I believe there is a golf course down at that corner, and you should probably assess me a little because I drive down that golf course occasionally, but that traffic has very little to do with a small development. These seem to be infrastructure improvements that should be in the general tax base, but somehow have been pulled out so that we can keep mill levies down and pat ourselves on our back and say how good we are at never raising

the taxes in the city. To me it is a flawed policy, I am not sure how I am going to vote on this thing because I think the whole policy is flawed.

MCKAY I don't really believe there is a policy, and the reason I am saying this, is no disrespect for the Traffic Engineer, but he has not been here very long, and he probably got just what somebody said this is what we have been doing in the past because the questions were asked what happens to the residential. What happens to commercial? He didn't have a answer. So it is not a hard type policy that says this is what is going to happen in this particular situation. If you have a policy you can deviate from it, but I don't think we have a policy that says 12% here, or 50% at large, and if I am wrong please correct me.

LOGAN It is a practice.

MCKAY It is a practice, but it is not a policy because it has not been here that long. I mean it was done when we did not have a Traffic Engineer. Whatever this policy or procedure was done when we did not have a Traffic Engineer.

MARNELL We have another alternative, and could require no petition at all.

WARREN There will be another motion made because I am going to oppose this one on a basis of another motion.

COULTER My feelings is this should be handled the same way arterial roads are handled, and those are picked up by the city at large at 100%.

**ORIGINAL MOTION:** That applicant will file a restrictive covenant agreeing to participate in the cost of the signal up to 12 1/2% of that cost as determined by a traffic study done by Traffic Engineering.

**HENTZEN** moved, **MCKAY** seconded the motion, and it failed (3-6). **MCKAY, HENTZEN, JOHNSON** voted in favor.

**MOTION:** To accept the recommendations as set forth by the Subdivision Committee which was not to require a petition.

**WARREN** moved **DUNLAP** seconded the motion.

JOHNSON It wasn't either.

WARREN Okay, we did not establish the 12 1/2%, well then what would a petition do?

JOHNSON His fair share of the cost.

WARREN No, that was not in the motion. Dale, you were at Subdivision weren't you.

MILLER Subdivision approved that they would conduct a traffic study and then the applicant would be required to pay his share based on that traffic study for the signal.

WARREN Who was to be charged for the traffic study? Is that the County?

MILLER That was not specified.

WARREN So it wasn't assigned to the applicant. I could still go along with that because I think that is fair if a traffic study can determine that this guy is going to contribute 10%, 15%, or 2% then he pays that fair share. So I will leave it then if you are of the opinion that was what the Subdivision Committee's position was. I would say let's endorse that action.

MILLER That was my perception.

DUNLAP I think I will second the motion.

MARNELL I hope you ask some questions because I am not sure what the motion is.

DUNLAP The traffic study is to be done when? A week? 10 years? Mr. Chairman, I totally agree with you this is general fund stuff and unless we have a law that says we must assess somebody when they apply for a plat I don't agree with it at all. We have traffic out there right now, and if there is a need for a signal for it now and nobody has developed on a corner, we should put it there right now.

WARREN I withdraw my motion.

DUNLAP I withdraw my second.

**MOTION:** Not to assess this plat for any traffic signal on that corner as a condition of platting.

**DUNLAP** moved **WARREN** seconded the motion, and it carried (7-2) **GAROFALO, BISHOP** opposed.

BISHOP I think that this is a subsidy of fringe development, and that it is likely not to be accepted by the elected officials.

MARNELL That may be the case.

MCKAY It won't be the first time. Is there anyway that they can come up with something as a guideline for us rather than just saying it has been a general practice, because for some of us we have seen this battled around, kicked around for a while now.

LOGAN That might be a good idea, and we have talked about that with the departmental staff. If the Commission didn't feel that was appropriate, then we will probably go back and have a written statement and provide guidelines.

MCKAY What I am saying, the problem I had with it was what criteria was used to say there needs to be a stop light there? This warranted a stop light there? If there are no businesses there presently, and you are saying there needs to be a stop light there then I agree with what Commissioner Marnell was saying, but if this is a 20 acre tract of ground, then I would be more inclined to lean with what you are saying because they are going to generate a lot more traffic than an 8 acre piece of ground. Not really having a set way of saying we did a traffic study and this corner generates X amount of traffic so we need a traffic light here. That is not saying this guy is going to build or whoever is going to do the rest of the Subdivision. If you would have said we are going to assess each one of them 12 1/2% then I would have been more inclined to say, well there is a semi-policy. I don't think there is a policy. There might be a practicing thing that you are doing, but that hasn't been very long.

LOGAN We might have to see what other cities do in this case, and look at zoning and what probably could be generated from the other adjacent lots, and come back to some number that we could give to the developer when he petitions so he can take that number, and seem more fair.

MCKAY Something triggered why staff said there needs to be a traffic light here.

LOGAN We do traffic studies, and look a warrants for traffic signals, and we might have to do it 2-3 times over a period of 10 years before that warrant is met. It is just that we do it based on requests or perceived need so we might be doing several studies at 31<sup>st</sup> and Greenwich to determine volumes at different times.

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**4-4. DED2003-17 – Dedication of a Utility Easement for property located on the southeast corner of 21<sup>st</sup> Street North and Amidon.**

**OWNER/APPLICANT:** EZE Money Investments, LLC, C/O Leisa Lowers, 150 N. Market, Wichita, KS 67202

**AGENT/SURVEYOR:** AM Consulting, Inc., 142 N. Emporia, Wichita, KS 67202

**LEGAL DESCRIPTION:** The west 10 feet of the following described tract: A tract of land located in the NE¼, Sec. 7, T27S, R1E, being more particularly described as follows:

Commencing at 208.71 feet south and 50 feet east of the northwest corner of said NE¼, said point being the westerly most northwest corner of Block 1, Lakeview Estates, Wichita, Kansas, a replat of Lots 1, 4, 5 and part of Lots 2 and 3 Lakeview Addition to Wichita, Sedgwick County, Kansas; thence south along the east right-of-way line of Amidon Avenue for a distance of 113.25 feet to a point of beginning; thence east parallel with the north line of said NE¼ of Sec. 7 for a distance of 107.30 feet; thence south perpendicular with the north line of said NE¼ of Sec. 7 for a distance of 192 feet; thence west parallel with the north line of said NE¼ of Sec. 7 for a distance of 101.66 feet to the east right-of-way of Amidon Avenue; thence north along the east right-of-way line of Amidon Avenue for a distance of 192.08 feet to the point of beginning.

**PURPOSE OF DEDICATION:** This Dedication is a requirement of a Lot Split (Case No. SUB 2003-50) and is being dedicated for construction and maintenance of public utilities.

**STAFF RECOMMENDATION:** Accept the Dedication.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**MCKAY** moved, **BISHOP** seconded the motion, and it carried (8-0).

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**5-1. VAC2003-40 – Request to Vacate an Easement Dedicated by Separate Instrument, located southwest of Third Street and West Street intersection.**

**APPLICANT/OWNER:** Marjorie J. Jernigan

**AGENT:** Candis K. Chippen-Mitchell

**LEGAL DESCRIPTION:** The 16-foot easement dedicated by separate instrument, recorded in Book 456, Page 341, on Lot 1, Block 15, Park Wilde Addition, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located west of the West Street – 3rd Street South intersection, 359 North Florence.

**REASON FOR REQUEST:** Garage and house encroach into easement.

**CURRENT ZONING:** The site and properties south, east and west of it are zoned "SF-5" Single Family Residential. Property north of the site is zoned "TF-3" Duplex Residential

The applicant is requesting vacation of the east 5-foot of the 16-foot easement that was dedicated by separate instrument. An existing garage and an existing house encroach into the easement. To clear the title for the sale the property, these encroachments must be removed. There is sewer in the easement. The Park Wilde Addition was recorded with the Register of Deeds 03-04-1887.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works and other utility representatives, Planning Staff recommends approval to vacate the east 5-feet of the easement dedicated by separate instrument as recorded in Book 456, Page 341, on Lot 1, Block 15, Park Wilde Addition with conditions.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

- 1) That due and legal notice has been given by publication as required by law, by publication in the Derby Reporter of notice of this vacation proceeding one time July 28, 2003 which was at least 20 days prior to this public hearing.
- 2) That no private rights will be injured or endangered by the vacation of the above-described portion of the platted alley and the public will suffer no loss or inconvenience thereby.
- 3) In justice to the petitioner, the prayer of the petition ought to be granted.

B. Therefore, the vacation of the portion of the platted alley described in the petition should be approved with conditions:

- (1) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (2) All improvements shall be according to City Standards.
- (3) Dedicate 5-feet of easement to the west side of the 16-foot easement dedicated by separate instrument as recorded in Book 456, Page 341, on Lot 1, Block 15, Park Wilde Addition. Dedication will be provided to the Planning Department.

**SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (2) All improvements shall be according to City Standards.
- (3) Dedicate 5-feet of easement to the west side of the 16-foot easement dedicated by separate instrument as recorded in Book 456, Page 341, on Lot 1, Block 15, Park Wilde Addition. Dedication will be provided to the Planning Department.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**DUNLAP** moved, **COULTER** seconded the motion, and it carried (9-0).

**5-2. VAC2003-41 – Request to Vacate a Platted Alley, located northwest of the Hillside and Pawnee intersection.**

<b><u>APPLICANT/OWNER:</u></b>	Ruby A. Cook
<b><u>AGENT:</u></b>	Betty Sanders Merrill
<b><u>LEGAL DESCRIPTION:</u></b>	All of the 20-foot wide alley ROW as dedicated on the G.L. Cook Addition, Wichita, Sedgwick County, Kansas
<b><u>LOCATION:</u></b>	Generally located west of the Hillside Avenue – Pawnee Avenue intersection, 3040 East Pawnee.
<b><u>REASON FOR REQUEST:</u></b>	ROW not developed, reversion to private property.
<b><u>CURRENT ZONING:</u></b>	Site and property east and south of it are zoned "LC" Limited Commercial. Property west of the site is zoned "MF-29" Multi-Family Residential and property north of the site is zoned "TF-3" Duplex Family Residential.

The applicant is requesting vacation of the 20-foot wide alley that abuts the west and north side of Lot 1 and the north side of Lot 2, all in the G.L. Cook Addition. The alley is not developed and runs into another undeveloped 20-foot wide alley that runs into Hillside. There is sewer in the alley ROW. There is Weststar equipment in the alley ROW. The applicant has obtained the signatures of all abutting and adjacent property owners, agreeing to vacate the alley. Reversion of the alley to private property will go to the owners of Lots 1 & 2, G.L. Cook Addition; the applicant. The G.L. Cook Addition was recorded with the Register of Deeds 03-16-1956.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works and other utility representatives, Planning Staff recommends approval to vacate the alley ROW as described in the legal description with conditions.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Derby Reporter of notice of this vacation proceeding one time July 28, 2003 which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by the vacation of the above-described portion of the platted alley and the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.
- B. Therefore, the vacation of the portion of the platted alley described in the petition should be approved with conditions:
- 1) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
  - 2) All improvements shall be according to City Standards.
  - 3) Retain the 20-foot platted alley as a utility easement.
  - 4) Retain the platted 20-foot alley as cross lot access easement.
  - 5) Dedicate 10-foot of sidewalk easement along the Pawnee Avenue ROW.

**SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (2) All improvements shall be according to City Standards.
- (3) Retain the 20-foot platted alley as a utility easement.
- (4) Retain the platted 20-foot alley as cross lot access easement.
- (5) Dedicate 10-foot of sidewalk easement along the Pawnee Avenue ROW.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**DUNLAP** moved, **COULTER** seconded the motion, and it carried (9-0).

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**6. Amending the 2002-2007 Transportation Improvement Program (TIP), presentation Jamsheed Mehta.**

Planning Staff is requesting an update to the 2002 Transportation Improvement Program (TIP) to reflect changes to the attached projects. KDOT is requesting revisions to certain projects and we are amending the TIP to facilitate KDOT and the FHWA/FTA in their programming. There are new projects that need to be amended into the TIP and changes to existing projects are mainly in budget or funding category.

The Transportation Improvement Program (TIP) is the MPO's document identifying all significant transportation projects for the next five years throughout Sedgwick County. Federal regulations require that projects using federal funds must be prioritized and programmed in this TIP document by the MPO.

This amendment includes adding newly secured grants for the Wichita Police Department, the FY 2004 and 2005 KDOT Transportation Enhancement Program for pathway projects, minor changes in cost for existing City of Wichita roadway and bridge projects, and addition of various railroad intersection improvements.

The MPO (Metropolitan Area Planning Commission) is required to update and submit the five-year transportation program to the Kansas Department of Transportation (KDOT) when there are changes to the program. The timing of this submittal is essential in order to obligate federal funds to the Wichita area projects.

**Recommendation:** Amend the Transportation Improvement Program 2002-2007 as presented and authorize the Chairman to sign on behalf of the MPO.

JAMSHEED MEHTA, Planning Staff presented amendment to TIP.

**MOTION:** To amend the Transportation Improvement Program 2002-2007 as presented and authorize the Chairman to sign on behalf of the MPO.

**BISHOP** moved, **GAROFALO** seconded the motion, and it carried (9-0).

7. **Approving the Functional Classification Systems of Street and Highways in the MPO's Urbanized and Rural Planning Areas, presentation Jamsheed Mehta.**

Planning Staff has been coordinating with surrounding cities and counties in the metropolitan region, the Kansas Department of Transportation, and the Federal Highway Administration to discuss the expansion of the 2000 Census Urbanized Area and the update of the Federal Roadway Functional Classification Map. Representatives from local and regional government entities have reviewed and provided input and approved the proposed classifications of roadways within their jurisdiction. Staff has completed the update process of a comprehensive revision of the Federal Roadway Functional Classification Map that reflects adjustments to the 2000 Census Urbanized Area. After approval by the MPO, the Functional Classification Map will be submitted for final approval to the Federal Highway Administration.

The Federal Roadway Functional Classification Map identifies roadways by their mobility functions through the transportation planning period. Streets that are classified as major collector or higher are eligible for Surface Transportation Program (STP) funds for road improvements. The Federal Highway Act of 1973 gave the FHWA the authority to require the use of functional classifications to identify proposed routes for the National Highway System (NHS), to determine eligibility of roads for the Federal-Aid Highway program, and "for assessing the extent, conditions, and performance of the highway system." The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), the Transportation Equity Act for the 21<sup>st</sup> Century of 1998 (TEA-21), and numerous other federal transportation programs require the functional classification of roadways to determine funding eligibility of transportation projects.

**Recommendation:** Approve the Federal Functional Classification Map as presented and authorize the Chairman to sign on behalf of the MPO.

Attachment: 1

JAMSHEED MEHTA, Planning Staff presented Federal Roadway Functional Classification Map.

DUNLAP The input you are getting from Kechi is that on a consistent basis or when you ask for it? Because I am not hearing them all revising their Comprehensive Plan at the same time.

MEHTA Because this project has to do with identifying the urbanized area and functional classification, letters went out to every city specifically for this project.

DUNLAP Any of these small cities could hold their planning commission meeting and change their comprehensive plan at any point. How do you get that information?

MEHTA If we are doing an update that requires us to ask the question that would be one occasion. I believe as part of that general question the Planning Director has been around the community and small cities and that is another way of receiving input.

DUNLAP Apparently these roads in yellow highlight, looking at 167<sup>th</sup> West from 61<sup>st</sup> Street North or 135<sup>th</sup> Street West does that mean that road is planned to be paved as a major collector or rural? What does that mean?

MEHTA No, it is a collector but off a minor level as compared to a major. A major collector in the county outside the urbanized area is something significant. But we can't dead end that classification and call it a local street there are some guidelines about what we are to do about continuity.

DUNLAP It does not indicate a plan to hard surface a road?

METHA Correct, it has nothing to do with the state of the roadway as it is presented here.

MARNELL I have a question, Central is shown as a major arterial until it reaches Webb Road and then it changes to a minor. Is that a traffic count supported change?

METHA Volumes of traffic is one of many criteria. Ending that location point where we are changing from one classification to the other would have to do with the mobility at that point as a higher factor then access would be, or is that the end or destination point of a lot of trips. In that case we are talking about Raytheon in that vicinity.

MARNELL How far forward does this look as opposed to right now when you are classifying the streets is this current in terms of the transportation modes?

METHA The urbanized area is looking at your horizon year which is the year 2030. That is as far as we have gone and that is true as of March 2000 when we identified the Comprehensive Plan and its service boundaries.

MARNELL I am talking about the street classification.

METHA The street classification is also the same; to the year 2030. We have had some discussions with the State and they feel differently about different streets and we say this is more of a local affair and we know what we are planning to do and therefore we are being futuristic and adding more to it once instead of coming back to you each time we add planned improvements.

**MOTION:** To approve the Federal Functional Classification Map as presented and authorize the Chairman to sign on behalf of the MPO.



**MCKAY** moved, **JOHNSON** seconded the motion, and it carried (8-0).

**8. Endorsing the "Local Partnership" (KDOT Program) applications for funding streets and highway projects for 2006-07, presentation Jamsheed Mehta.**

As a continuation of their local partnership program, the Kansas Department of Transportation (KDOT) is requesting project submittal for the KLINK Resurfacing, Geometric Improvement, and Economic Development projects. The MAPD assists/coordinates the application process for all cities and prepares the City of Wichita applications for submittal to KDOT. The KLINK project requests are for fiscal year 2006 (July 1, 2005 through June 30, 2006) and the Geometric and Economic Development projects are for fiscal year 2007 (July 1, 2006 through June 30, 2007). This is a discretionary program and KDOT will ultimately announce their selection in 2004.

- The KLINK Resurfacing Program is designed to improve roadway surfacing of City Connecting Links of the State Highway System.
- The Geometric Improvement Program is designed to improve geometric deficiencies on City Connecting Links.
- The Economic Development Program is designed to enhance the economic development of the State of Kansas through highway and bridge construction.

The KLINK, Geometric, and Economic Development projects were developed by the Planning Department in coordination with the City Manager's Office, Public Works Department, and Finance Department's Economic Development. Whereas the following project applications have been submitted to KDOT, it is necessary that the MPO review and endorse these projects.

<u>KLINK</u>	<u>KDOT%</u>	<u>KDOT Share</u>	<u>Local/Other Share</u>	<u>Total Cost</u>
1) Repair and resurface U.S. 54/400 from Lark to 119 <sup>th</sup> Street W.	50%	\$200,000	\$200,000	\$400,000
<u>Geometric Improvements Category</u>	<u>KDOT%</u>	<u>KDOT Share</u>	<u>Local/Other Share</u>	<u>Total Cost</u>
1) Widening the corridors along both South Broadway (46 <sup>th</sup> St. S. to 48 <sup>th</sup> St. S.) and 47 <sup>th</sup> St. S. (Main to I-135)	20%	\$950,000	\$3,709,441	\$4,659,441
<u>Economic Development</u>	<u>KDOT%</u>	<u>KDOT Share</u>	<u>Local/Other Share</u>	<u>Total Cost</u>
1) Reconstruct and reconfigure Dugan, Pueblo, and Hoover Road from US-54/400 (Kellogg) to Harry	67%	\$2,000,000	\$1,000,000	\$3,000,000
2) Greenwich interchange at K-96	75%	\$1,500,000	\$500,000	\$2,000,000
3) Reconstruct and widen Tyler Road from Harry to Pawnee	80%	\$2,000,000	\$500,000	\$2,500,000
4) Widen Maize Road from 45 <sup>th</sup> St. N. to K-96 (City of Maize)	55%	\$2,000,000	\$1,662,750	\$3,662,750

**Recommendation:** That the MPO endorse the proposed projects and authorize the Chairman to sign on behalf of the MPO.

DUNLAP On that previous project there is no attempt at this point to go back to the private donor in this case and ask for more money is there?

MEHTA That is correct. This is state and local funding. Let me say this; not as part of this application, but if we get these funds we say local/other, and we don't know because the local share is not in any CIP so I want to correct myself. I don't mean to say nobody is going to go ask them, maybe there might be a City policy by that time to do that.

**MOTION:** That the MPO endorse the proposed projects and authorize the Chairman to sign on behalf of the MPO.

**JOHNSON** moved, **COULTER** seconded the motion, and it carried (8-0).

**9. Announcing the US DOT's triennial certification review of the Wichita-Sedgwick County MPO, presentation Jamsheed Mehta.**

MEHTA The US DOT's triennial certification review is coming up in two weeks. The last time they were here to review our operation, they left quite satisfied. This year, they'll be in from September 16 to the 19<sup>th</sup>, and we'll spare from the detail review discussions, but on the 18<sup>th</sup>, the day you come back next for the regular MAPC meeting, we'll schedule an agenda item where you can ask them - the feds - questions: like how are we doing as an MPO, or could we be doing things better, whatever. That same day, in the afternoon, there will be an open house public meeting downstairs in the board room, and we will send out notices to all governmental jurisdictions, neighborhood associations and publish notices in the papers.

Based on some meetings we've already had with the federal agencies, I expect them to focus on a few key points in addition to their 74 standard questions that are part of the four day review. They will ask about the MPO's public participation process, does it work; how projects are selected for inclusion in the TIP; Are we staffed well enough to do the job they are paying for; and are you as a board representing all the areas and jurisdictions within the MPO's Planning Area.

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**10. Other matters/adjournment.**

MEHTA The next MAPC meeting will start at noon.

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The Metropolitan Area Planning Department informally adjourned at 4:06 p.m.

State of Kansas     )  
Sedgwick County    ) ss

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on \_\_\_\_\_, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
John L. Schlegel, Secretary  
Wichita-Sedgwick County Metropolitan  
Area Planning Commission

(SEAL)